

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Thomas L. CANTOR et al.

Serial No.: 10/760,091

Filing Date: January 16, 2004

For: METHODS FOR DIFFERENTIATING  
AND MONITORING PARATHYROID  
AND BONE STATUS RELATED  
DISEASES

Examiner: C. Cheu

Group Art Unit: 1641

Confirmation No.: 2110

**RENEWED PETITIONS TO EXPUNGE INFORMATION  
UNDER 37 C.F.R. § 1.59 (b)**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**First Petition**

Pursuant to 37 C.F.R. § 1.59(b) and MPEP § 724, Applicants hereby re-petition the Commissioner to have the 85 documents expunged from the file that were submitted in the above-identified application with the Supplemental Information Disclosure Statement filed under MPEP § 724.02 on December 14, 2007. A Petition to Expunge Information was also filed with the Supplemental Information Disclosure Statement on December 14, 2007.

A Petition Decision dated December 26, 2007 "Dismissed" the Petition to Expunge Information originally submitted with the Supplemental Information Disclosure Statement on December 14, 2007. The December 26, 2007 Petition Decision states that upon determination of

patentability as evidenced by a Notice of Allowability or abandonment of the application the material will be returned upon submission of a renewed petition. A Notice of Allowance was mailed on September 8, 2010. The Petition Decision also states that no additional petition fee will be due for the renewed petition. Accordingly, no fees are included with this renewed Petition to Expunge Information. Applicants attach a copy of the originally submitted documents and Petition Decision as Exhibit A.

Pursuant to MPEP § 724.05(A) and (B), Applicants believe expungement of the information is appropriate for document numbers 1-84 listed on the attached Form PTO/SB/08a/b from December 14, 2007 because they are **SUBJECT TO PROTECTIVE ORDER**. Document numbers 1-75 are from *Nichols Institute Diagnostics, Inc. v. Scantibodies Clinical Laboratory, Inc. and Scantibodies Laboratory, Inc.*, U.S.D.C. for the Southern District of California, case number 02 CV 0046 B (JMA), appealed at the United States Court of Appeals for the Federal Circuit as case numbers 06-1087 and 06-1443. Document numbers 76-84 are from *Scantibodies Laboratory, Inc. v. Immutopics, Inc.*, U.S.D.C. for the Central District of California, Case No. CV04-08871 GPS (MANx), appealed as Case No. 2008-1522 and Case No. 2009-1481 at the United States Court of Appeals for the Federal Circuit. These documents have not otherwise been made public.

Pursuant to MPEP § 724.05(A) and (B), Applicants believe expungement of the information is appropriate for document number 85 listed on the attached Form PTO/SB/08a/b from December 14, 2007 because it is **PROPRIETARY** material and has not otherwise been made public.

Applicants acknowledge that upon the grant of this petition and return of the documents that are **SUBJECT TO PROTECTIVE ORDER** (document numbers 1-84 on the attached Form PTO/SB/08a/b) and **PROPRIETARY** (document number 85 on the attached Form PTO/SB/08a/b), Applicants will preserve the documents for the entire term of the patent in accordance with MPEP § 724.05 (C). Please return the documents to the undersigned.

Pursuant to MPEP § 725.05 (D), Applicants hereby state that this petition is being submitted by, or on the behalf of, the party in interest who originally submitted the information.

## Second Petition

Pursuant to 37 C.F.R. § 1.59(b) and MPEP § 724, Applicants also hereby re-petition the Commissioner to have the 33 documents submitted in the above-identified application with the Supplemental Information Disclosure Statement filed under MPEP § 724.02 on April 24, 2009 expunged. A Petition to Expunge Information was also filed with the Supplemental Information Disclosure Statement on April 24, 2009.

A Petition Decision dated May 8, 2009 “Dismissed” the Petition to Expunge Information originally submitted with the Supplemental Information Disclosure Statement on April 24, 2009. The May 8, 2009 Petition Decision instructed the Applicants to resubmit the Petition to Expunge Information subsequent to Allowance or other action being mailed in the application which closes prosecution. A Notice of Allowance was mailed on September 8, 2010. The Petition Decision also states that no additional petition fee will be required at that time. Accordingly, no fees are included with this resubmitted Petition to Expunge Information. Applicants attach a copy of the originally submitted documents and Petition Decision as Exhibit B.

Pursuant to MPEP § 724.05(A) and (B), Applicants believe expungement of the information is appropriate for document numbers 1-33 listed on the attached Form PTO/SB/08a/b from April 24, 2009 because they are **SUBJECT TO PROTECTIVE ORDER**. The documents are from *Scantibodies Laboratory, Inc. v. Immunotopics, Inc.*, from the U.S.D.C. for the Central District of California, Case No. CV04-08871 MRP (MANx), appealed as Case No. 2008-1522 and Case No. 2009-1481 at the United States Court of Appeals for the Federal Circuit. These documents have not otherwise been made public.

Applicants acknowledge that upon the grant of this petition and return of the 33 documents that are **SUBJECT TO PROTECTIVE ORDER** on the attached Form PTO/SB/08a/b, Applicants will preserve the documents for the entire term of the patent in accordance with MPEP § 724.05 (C). Please return the documents to the undersigned.

Pursuant to MPEP § 725.05 (D), Applicants hereby state that this petition is being submitted by, or on the behalf of, the party in interest who originally submitted the information.

### Third Petition

Pursuant to 37 C.F.R. § 1.59(b) and MPEP § 724, Applicants also hereby re-petition the Commissioner to have the document submitted in the above-identified application with the Supplemental Information Disclosure Statement filed under MPEP § 724.02 on November 19, 2009 expunged. A Petition to Expunge Information was also filed with the Supplemental Information Disclosure Statement on November 19, 2009.

A Petition Decision dated December 2, 2009 “Dismissed” the Petition to Expunge Information originally submitted with the Supplemental Information Disclosure Statement on November 19, 2009. The December 2, 2009 Petition Decision instructed the Applicants to resubmit the Petition to Expunge Information subsequent to Allowance or other action being mailed in the application which closes prosecution. A Notice of Allowance was mailed on September 8, 2010. The Petition Decision also states that no additional petition fee will be required at that time. Accordingly, no fees are included with this resubmitted Petition to Expunge Information. Applicants attach a copy of the originally submitted documents and Petition Decision as Exhibit C.

Pursuant to MPEP § 724.05(A) and (B), Applicants believe expungement of the information is appropriate for document number 1 listed on the attached Form PTO/SB/08a/b from November 19, 2009 because it is **SUBJECT TO PROTECTIVE ORDER**. The document is from *Scantibodies Laboratory, Inc. v. Immunotopics, Inc.*, Case No. 2009-1481 at the United States Court of Appeals for the Federal Circuit. The document has not been made public.

Applicants acknowledge that upon the grant of this petition and return of the document that is **SUBJECT TO PROTECTIVE ORDER** on the attached Form PTO/SB/08a/b, Applicants will preserve the document for the entire term of the patent in accordance with MPEP § 724.05 (C). Please return the document to the undersigned.

Pursuant to MPEP § 725.05 (D), Applicants hereby state that this petition is being submitted by, or on the behalf of, the party in interest who originally submitted the information.

#### **Fourth Petition**

Pursuant to 37 C.F.R. § 1.59(b) and MPEP § 724, Applicants also hereby re-petition the Commissioner to have the 4 documents submitted in the above-identified application with the Supplemental Information Disclosure Statement filed under MPEP § 724.02 on June 22, 2010 expunged. A Petition to Expunge Information was also filed with the Supplemental Information Disclosure Statement on June 22, 2010.

A Petition Decision dated July 1, 2010 “Dismissed” the Petition to Expunge Information originally submitted with the Supplemental Information Disclosure Statement on June 22, 2010. The July 1, 2010 Petition Decision instructed the Applicants to resubmit the Petition to Expunge Information subsequent to Allowance or other action being mailed in the application which closes prosecution. A Notice of Allowance was mailed on September 8, 2010. The Petition Decision also states that no additional petition fee will be required at that time. Accordingly, no fees are included with this resubmitted Petition to Expunge Information. Applicants attach a copy of the originally submitted documents and Petition Decision as Exhibit D.

Pursuant to MPEP § 724.05(A) and (B), Applicants believe expungement of the information is appropriate for document numbers 1-4 listed on the attached Form PTO/SB/08a/b from June 22, 2010 because they are **SUBJECT TO PROTECTIVE ORDER**. The documents are from *Scantibodies Laboratory, Inc. v. Immunotopics, Inc.*, Case No. 2009-1481 at the United States Court of Appeals for the Federal Circuit. These documents have not otherwise been made public.

Applicants acknowledge that upon the grant of this petition and return of the 4 documents that are **SUBJECT TO PROTECTIVE ORDER** on the attached Form PTO/SB/08a/b, Applicants will preserve the documents for the entire term of the patent in accordance with MPEP § 724.05 (C). Please return the documents to the undersigned.

Pursuant to MPEP § 725.05 (D), Applicants hereby state that this petition is being submitted by, or on the behalf of, the party in interest who originally submitted the information.

In the unlikely event that the transmittal form is separated from this document and the U.S. Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **532212000624**.

Dated: December 8, 2010

Respectfully submitted,

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